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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,958	03/08/2001	Louise Mary Wasilewski	A-6979	8732

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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LAWRENCEVILLE, GA 30044

EXAMINER

MANNING, JOHN

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,958

Applicant(s)

WASILEWSKI, LOUISE MARY

Examiner

John Manning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamura et al. (US Pat App Pub No 2002/0090087).

In regard to claim 21, Tamura discloses an external storage device for a personal video recorder or television Set-Top Box, where an MPEG transport stream is filtered to remove information not relevant to a selected program (Abstract). The claimed limitation of "a storage device configured to store program information received from an input source, wherein the program information includes a plurality of content streams for a plurality of program events" is met by Figure 2, Items 120 and 234. The claimed limitation of "a processor" is met by Figure 2, Item 204. The claimed limitations of

“provide a user option to select a desired subset of content streams for a particular program event for recording, wherein the subset excludes at least one available content stream from the program event” and “receive user input indicating the desired subset of content streams from the program event for recording” are met by Figure 4, Item 412.

The subset of content streams is the filtered transport stream. The user selects a program for recording, which is the desired subset. “Conditional access processor 234 provides access control information (AC) to the partial transport stream controller 238. The access control information from conditional access processor 234 is extracted from the ECM information. Transport stream controller 238 processes (edits) the PAT and PMT information to remove any information from these tables which is not directly related to the selected program being stored. These edited tables are then returned to the formatter 230, preferably over an asynchronous data path in the IEEE 1394 bus. Formatter 230 then recombines the revised PAT and PMT into the *filtered MPEG data stream so that the data stream only contains information directly related to the selected program* (i.e., elemental audio and video streams plus MPEG tables edited to *remove all information not relevant to the selected program*). Formatter 230 then applies this revised data stream to hard disc drive 234 for storage through a switch 238” (Paragraph 0027).

In regard to claims 22, 29 and 34, Tamura discloses that the stream contains audio and video information (See Paragraph 0027).

In regard to claims 23, 30 and 35, Tamura discloses the filtered MPEG data stream only contains information directly related to the selected program (i.e., elemental

audio and video streams plus MPEG tables), which meets the claimed limitation of “the desired subset of content streams include no more than two types of the following types of content streams: an audio stream, a video stream, and a data stream.”

In regard to claims 24 and 31, Tamura discloses a decryption device (See Figure 2, Item 208).

In regard to claim 25, Tamura discloses parsing at least one MPEG table.

“Within the PVR 110, the full *MPEG transport* stream is received by a descrambler 208 that performs the descrambling function in a conventional manner. That is, a decryption key is extracted from an Entitlement Control Message (ECM) in demultiplexer 224 and sent to conditional access processor 234. Conditional access processor 234 provides the key from the ECM to descrambler 208 to effect the descrambling. The descrambled transport stream is then applied to a filter 212. The filter 212, under control of the partial transport stream controller 238 (which is controlled by the PVR controller) acting on instructions from the user to select the particular channel, filters the descrambled MPEG transport stream into a partial transport stream or a filtered transport stream that contains elemental streams containing the program content plus selected other information relating to the program. For example, this filtered transport stream, in addition to elemental audio and video data streams, includes the Entitlement Control Message (ECM) which includes decryption keys, descrambling keys and conditional access related information, the *Program Association Table (PAT)* that contains information relating a program number with a *packet identifier (PID)* in the transport stream, and the *Program Map Table (PMT)* which maps the *PID* to the elemental data

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streams in the transport stream (e.g., video, audio, etc.). The filtered transport stream may also include other information relevant to the currently selected program”

(Paragraph 0024).

In regard to claim 26, Tamura discloses identifying at least on packet identifier that represents at least one content stream within the transport stream (See Paragraph 0024).

In regard to claim 27, the claimed at least one decode is met by decoder 264 of Figure 2.

In regard to claims 28 and 33, Tamura discloses a receiver and control system as discussed for claim 21.

In regard to claim 32, see claims 25 and 26.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura et al. in view of Hoffberg et al. (US Pat No 6,418,424).

In regard to claims 36-37, Tamura fails to explicitly disclose a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator. Hoffberg teaches the modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator so as to allow proper communications between the transmitting site and receiving site. Consequently, it would have been obvious to one of ordinary skill in the art to modify Tamura with a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator for the stated advantage.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura et al. in view of Lawler et al. (US Pat No 5,805,763).

In regard to claim 38, Tamura fails to explicitly disclose "a reverse path coupled to the control system, the reverse path configured to communicate user input to the control system" and "a distribution system configured to communicate the at least one requested content stream to the user device". Lawler teaches "a reverse path coupled to the control system, the reverse path configured to communicate user input to the control system" and "a distribution system configured to communicate the at least one requested content stream to the user device". "Preferably, the network 14 carries such bidirectional communication between the viewer stations 16 and the head end 12" (Col

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5, Lines 30-31; Also see Col 4, Lines 60-67; Col 5, Lines 1-29) so as to provide a system that allows the user of an interactive viewing system to quickly and easily identify and select a desired program using an interactive program guide and to designate the selected program for recording. Consequently, it would have been obvious to one of ordinary skill in the art to modify Tamura with "a reverse path coupled to the control system, the reverse path configured to communicate user input to the control system" and "a distribution system configured to communicate the at least one requested content stream to the user device" for the stated advantage.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM

June 24, 2006



JOHN MILLER
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